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The Impact of Labor Unions on Worker Rights and on Other Social Movements

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IMPACT OF LABOR UNIONS ON WORKER RIGHTS AND ON OTHER SOCIAL MOVEMENTS

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I. INTRODUCTION

Labor unions have existed in the United States for over two hundred years. In the late 1700s and 1800s, craft guilds consisting of skilled artisans regulated apprenticeship programs and maintained professional standards.[2] By the mid-1800s, more expansive labor organizations were formed to advance the interests of workers generally. The first national entity was created in 1834, when the National Trades Union (NTU) was formed.[3] The NTU never became a significant force, and it was defunct by 1831. In 1866, delegates from different craft organizations created the National Labor Union (NLU), which was a loose federation of local unions.[4] Although the NLU had an expansive legislative agenda designed to advance the rights of all workers, it only lasted until 1872. In 1869, a group of Philadelphia tailors established the Knights of Labor which was open to skilled and unskilled workers regardless of their gender or race.[5] Like

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[1] Freda H. Alverson Professor, George Washington University Law School. J.D., 1971, University of Michigan; M. Indus. & Lab. Rels., 1968, Cornell University School of Indus. & Lab. Rels.; B.S., 1967, Cornell University.

[2] *See* PHILIP TAFT, ORGANIZED LABOR IN AMERICAN HISTORY 3-5 (1964).

[3] *See id.* at 24-28.

[4] *See id.* at 60.

[5] *See id.* at 84-85.

the NLU, the Knights of Labor lobbied for employment rights legislation, but it had lost most of its members by the mid-1880s.[6]

More traditional craft guilds began to recognize the need for a national trade union federation, and, in 1881, they formed the Federation of Organized Trade and Labor Unions.[7] In 1886, the Federation was transformed into the American Federation of Labor (AFL) which was primarily a labor organization dedicated to the advancement of worker rights[8] Most AFL affiliates were craft unions which limited their memberships to individuals possessing specific skills.

In the early part of the twentieth century, the U.S. began its transformation from an agrarian society to a mass production economy with manufacturing firms employing individuals possessing various skill levels. When the National Labor Relations Act (NLRA)[9] was enacted in 1935, AFL craft unions had difficulty deciding how to organize the different workers employed by various manufacturers. AFL leaders created the Committee for Industrial Organization which was designed to organize industrial employees and divide them among existing craft entities.[10] Members of this Committee finally decided to withdraw from the AFL and form separate industrial unions under the umbrella of the Congress of Industrial Organizations (CIO).[11] The Auto Workers Union

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[6] *See id.* at 120-24.

[7] *See id.* at 93-94.

[8] *See id.* at 113-116.

[9] Ch. 372, 49 Stat. 449 (1935).

[10] *See* TAFT, *supra* note 2, at 471-72.

[11] *See id.* at 528-29.

organized the automobile industry, the United Steelworkers Union organized the steel industry, the Electrical Workers Union organized electrical manufacturers, and other CIO affiliates organized persons working in other industries. During this period, AFL and CIO unions competed for the opportunity to organize different workers, and union membership increased from 13.2 percent of private sector employees in 1935 to 34.7 percent in 1954.[12] In 1955, CIO unions merged with AFL unions to form the AFL-CIO.[13]

Throughout the second half of the twentieth century, AFL-CIO affiliates worked diligently to advance the employment interests of the various individuals they represented. During this same time frame, other social movements sprang up within the U.S. to deal with different social issues. Civil rights groups sought to overcome decades of racial and gender-based discrimination. Tenant rights organizations sought to advance the interests of renters and homeless persons. By the 1960s, groups began to protest the expanding involvement of the U.S. in Vietnam, and environmental organizations sought to protect the environment. All of these entities employed tactics borrowed from the labor movement.

By the late 1900s, innovative problem-solvers began to look for ways to resolve societal problems without the need for costly and protracted litigation. They created the alternative dispute resolution (ADR) movement which employed negotiation, mediation, arbitration, and similar processes to encourage disputing parties to resolve conflicts in a more amicable manner. It is interesting to note the degree to which these innovative ADR

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[12] *See* MICHAEL GOLDFIELD, THE DECLINE OF ORGANIZED LABOR IN THE UNITED STATES 10 Tbl. 1 (1987).

[13] *See* TAFT, *supra* note 2, at 660-61.

proponents borrowed heavily from techniques that had been used for many decades by labor organizations.

This article will initially explore the ways in which labor organizations have worked to advance the employment interests of workers throughout the U.S. It will examine the techniques employed by such entities to achieve their objectives, and will then explore the ways in which other social movements have employed similar tactics to advance their own interests. It will finally discuss the degree to which the ADR movement has borrowed from labor relations dispute resolution mechanisms to handle other societal controversies.

II. THE ADVANCEMENT OF WORKER RIGHTS BY LABOR UNIONS

As labor unions expanded their membership rolls, they employed various tactics to advance the economic interests of bargaining unit members. Their classic technique involved the withholding of labor. During such strikes, employees generally ceased all work and set up picket lines around struck facilities both to publicize their grievances and to discourage fellow employees or third parties from working during their stoppages. Strikes exerted significant economic pressure on employers that were generally unable to maintain meaningful operations. In rare cases, unions employed even more dramatic tactics to be certain that operations could not continue by taking over the premises of struck facilities. Such sit-down strikes were employed during the 1930s and 1940s at tire manufacturing and automobile manufacturing plants.[14] Although some of these sit-down strikes were employed to obtain initial union recognition, others were used to obtain bargaining objectives.

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[14] *See id.* at 493-99.

Labor organizations also employed other techniques to further their economic interests. Under the original NLRA, which did not prohibit any union unfair labor practices, labor organizations often resorted to secondary boycotts where they induced independent suppliers or purchasers of goods or services to cease doing business with other businesses with which unions had labor disputes. It was not until the 1947 Taft-Hartley Act added Section 8(b)(4) to the NLRA that such secondary activities were generally proscribed.[15] Even after Congress prohibited most secondary activity, labor organizations were able to engage in consumer picketing and handbilling at secondary locations designed to induce customers of secondary retail establishments to refrain from purchasing goods produced by struck firms or to induce secondary businesses to cease doing business with struck employers. Supreme Court decisions recognized that consumer picketing at secondary retail establishments would be lawful, so long as the picketers only asked store patrons not to purchase struck goods or services and such struck goods or services did not constitute a significant portion of secondary retail store business.[16] The Court also held that the handbilling of secondary retailers asking for total boycotts of such establishments while they continued to do business with struck employers would not be unlawful under Section 8(b)(4)(ii)(B) due to the absence of any "coercive" impact.[17]

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[15] Title I, § 101, 61 Stat. 140 (1947). *See* 29 U.S.C. § 158(b)(4) (2000) (prohibiting secondary activity by labor organizations).

[16] *See* NLRB v. Fruit Packers, 377 U.S. 58 (1964); NLRB v. Retail Clerks, Local 1001, 447 U.S. 607 (1980).

[17] *See* Edward J. DeBartolo Corp. v. Florida Gulf Coast Building Trades Council, 485 U.S. 568 (1988).

Union collective action has generally enhanced the economic benefits received by represented employees. Through the so-called "monopoly face," labor organizations increased wages and fringe benefits. The wage rates of unionized workers tend to be five, ten, fifteen, or even twenty percent above those earned by their nonunion cohorts.[18] In highly competitive industries where union density is not high, the wage differentials tend to be modest, while in other industries that are highly organized, union wage premiums are substantial.[19] Unions have even had an indirect positive impact on the wages enjoyed by nonunion workers, due to the fact their employers provide them with more generous compensation to discourage them from unionizing.[20]

Representative labor organizations have also enhanced the fringe benefits received by unionized employees.[21] Unions have obtained generous health care and pension coverage for bargaining unit members. Some have even obtained employer-sponsored non-occupational disability coverage, paid family and personal leave policies, and other fringe benefits. Many nonunion employees do not enjoy such benefits, and those who do tend to enjoy less generous coverage.

Although the economic benefits associated with unionization are significant, representative unions also provide workers with critical non-economic privileges. Almost all collective bargaining agreements contain provisions which provide that employers

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[18] *See* RICHARD B. FREEMAND & JAMES L. MEDOFF, WHAT DO UNIONS DO? 43-60 (1984).

[19] *See id.* at 50-52 & Figure 3-1.

[20] *See id.* at 150-154.

[21] *See id.* at 61-77.

may only discipline employees for "just cause."[22] In the absence of such contractual provisions, private sector workers are generally employed on an "at-will" basis which can be terminated by employers at anytime for almost any reason.[23] Under other bargaining agreement provisions, layoffs, recalls, and promotions tend to be handled in a fairly objective manner. Least senior employees are laid off ahead of their more senior colleagues, and more senior individuals on layoff are recalled to work ahead of less senior persons.[24] When positions become vacant, more senior bidders generally have priority over equally qualified bidders with less seniority.[25]

A critical factor associated with bargaining agreements concerns the inclusion of grievance-arbitration provisions which allow bargaining unit members to challenge employer decisions they think may have contravened collective contract provisions.[26] Such grievance procedures require labor and management representatives to work together to resolve such disputes amicably through the negotiation process. In those few cases in which mutual accords cannot be attained, unions possess the right to invoke arbitration. This enables them to have outside neutrals conduct hearings and determine if employers have engaged in practices improper under the applicable bargaining agreements. Individuals not covered by collective contracts containing such grievance-

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[22] *See* ALAN MILES RUBEN, ELKOURI & ELKOURI HOW ARBITRATION WORKS 930-932 (6TH ed. 2003).

[23] *See id.* at 925-930.

[24] *See id.* at 786-790.

[25] *See id.* at 873-876.

[26] *See generally id.* at 197-276.

arbitration provisions only enjoy the "exit voice." They must accept the actions taken by their employers or search for employment elsewhere. It is this "voice face"[27] enjoyed by organized employees which significantly differentiates the rights of organized employees from those of unrepresented workers.

III. THE CIVIL RIGHTS MOVEMENT

Connections between labor unions and civil rights organizations go back to the mid-1880s. The National Labor Union opposed restrictions on the employment of women and minorities, recognizing that such discrimination could adversely affect the rights of all workers.[28] Although some craft unions were affiliated with the Knights of Labor, that Federation sought to recruit skilled and unskilled workers, including female and minority persons.[29] When the AFL was formed in 1886, it consisted primarily of craft unions, most of which excluded women and minorities from membership. AFL affiliates that did admit minority members, relegated those persons to segregated locals.[30]

In the late 1930s, new industrial unions formed the CIO and worked to organize individuals employed in mass production industries. Unlike AFL craft affiliates which controlled entry into the different skilled trades through union-operated apprenticeship programs, most CIO affiliates exercised no control over the individuals hired to work in manufacturing plants. As a result, to the extent females and minorities were hired to work in such factories, the CIO unions had to direct their organizing efforts to such

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[27] *See* FREEMAN & MEDOFF, *supra* note 18, at 7-11, 94-95.

[28] *See* TAFT, *supra* note 2, at 60-61.

[29] *See id.* at 89.

[30] *See* GLENDA ELIZABETH GILMORE, DEFYING DIXIE 52 (2008).

heterogeneous labor forces.[31] Many CIO union leaders were left-wing political activists, some of whom were affiliated with the Communist Party.[32] As a result, they were more committed to the rights of all workers.

Civil rights organizations like the NAACP frequently worked closely with sympathetic union leaders to oppose segregationist practices.[33] Such labor officials joined with civil rights proponents to protest discriminatory practices.[34] Civil rights entities also employed traditional union tactics to further their interests. For example, they picketed establishments that would not serve blacks, and they engaged in sit-ins at segregated institutions that were analogous to sit-down strikes employed by labor unions.[35] They also sought public boycotts of segregated establishments.

Before her December 1, 1955, refusal to give up her seat on a bus to a white man. Rosa Parks had worked as an assistant to E.D. Nixon, a leader in the Brotherhood of Sleeping Car Porters.[36] Following her arrest, black persons in Montgomery boycotted the

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[31] *See* MICHAEL K. HONEY, SOUTHERN LABOR AND BLACK CIVIL RIGHTS 7, 83 (1993).

[32] *See* MICHAEL K. HONEY, GOING DOWN JERICHO ROAD 17 (2007).

[33] *See id.* at 25.

[34] *See* GILMORE, *supra* note 30, at 385.

[35] *See id.* at 384-393.

[36] *See id.* at 25.

segregated public busses for 381 days.[37] Similar boycotts were led by Martin Luther King, Jr. and the Southern Christian Leadership Conference.[38]

In 1968, when garbage workers went on strike in Memphis, civil rights leaders openly supported the striking employees.[39] Civil rights leader Bayard Rustin told union workers: "You can't win without us [blacks], and we can't get a damn thing without you."[40] Black students supported the striking garbage collectors with signs that said: "JUSTICE AND EQUALITY FOR ALL MEN" and "UNIONIZATION FOR THE SANITATION WORKERS."[41]

In 1960, veteran civil rights leader Ella Baker invited two hundred student activists to Shaw University in Raleigh, North Carolina, where they created the Student Nonviolent Coordinating Committee (SNCC).[42] This group was dedicated to the eradication of discrimination in education and in society generally. SNCC affiliates held rallies and engaged in class boycotts designed to eliminate discriminatory college admission policies. I can recall such a protest at the University of Michigan when I was in law school, where students boycotted undergraduate classes and protested with signs

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[37] *Id.*

[38] *See id.* at 27.

[39] *See* MICHALE KEITH HONEY, BLACK WORKERS REMEMBER 286 (1999).

[40] *See* HONEY, *supra* note 32, at 242.

[41] *Id.* at 338.

[42] *See* CHARLES DeBENEDETTI & CHARLES CHATFIELD, AN AMERICAN ORDEAL 42 (1990).

stating "OPEN IT UP OR SHUT IT DOWN." Their efforts contributed to the university's decision to establish more open admission policies for minority applicants.

Although CIO industrial unions frequently organized both black and white workers at manufacturing facilities and generally sought equal employment opportunities for all employees, many white union members opposed real integration.[43] Nonetheless, by the early 1960s, AFL-CIO leaders were generally supportive of efforts to achieve passage of the Civil Rights Act of 1964 which prohibited employment discrimination based upon race, color, religion, sex, or national origin.[44]

IV. THE ANTI-VIETNAM WAR MOVEMENT

In the 1960s, Students for a Democratic Society (SDS) was formed for the purpose of advancing the rights of urban poor, disaffected blacks, and disenchanted students.[45] The SDS used public rallies and group boycotts to advance the interests of disadvantaged individuals. When President Lyndon Johnson decided to expand the Vietnam conflict after he assumed the presidency in 1963, the SDS, SNCC, and similar groups strongly opposed further U.S. involvement in that country.[46] In 1967, SDS leaders put together a March on the Pentagon to enable them to confront the Defense Department.[47] These demonstrators stormed the Pentagon and conducted a sit-in until they were arrested. By the time of the Democratic Convention in 1968 in Chicago, 5000

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[43] *See* HONEY, *supra* note 39, at 171, 237-238.

[44] 78 Stat. 253 (1964), currently codified at 42 U.S.C. § 2000e et seq. (2000).

[45] *See* DeBENEDETTI & CHATFIELD, *supra* note 42, at 67.

[46] *See id.* at 217.

[47] *See* ADAM GARFINKLE, TELLTALE HEARTS 151-153 (1997).

anti-Vietnam war protesters worked to disrupt the nomination process.[48] When Chicago police used tear gas, nightsticks, and mace to discourage demonstrators, various disturbances broke out creating serious difficulties.[49]

After President Richard Nixon continued to expand the Vietnam conflict, anti-war groups got together with liberal trade union leaders to end further U.S. involvement in Southeast Asia.[50] One of their classic anti-war tactics involved the picketing of the White House, the Pentagon, and other government buildings.[51] When President Nixon decided to eliminate 2-S deferments, which had enabled college students to avoid the draft, and to send such middle and upper class persons to Vietnam, student protests expanded. By the early part of his second term in office, President Nixon decided to end the U.S. involvement in Vietnam and to bring home the thousands of troops employed there.

V. THE ENVIRONMENT MOVEMENT

Environmental groups have often employed labor union tactics to achieve their objectives.[52] When legislative or executive officials have contemplated changes in zoning regulations or other policies that might adversely affect environmentally sensitive areas, they have picketed and engaged in mass demonstrations to generate public support for their positions. They have occasionally sought to induce parties to boycott particular states because of their insensitivity to environmental matters. In more extreme situations,

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[48] *See id.* at 226-227.

[49] *Id.*

[50] *See* DeBENEDETTI & CHATFIELD, *supra* note 42, at 330.

[51] *See id.* at 391-392.

[52] *See generally* PETER C. LIST. RADICAL ENVIRONMENTALISM (1993).

proactive environmentalists have used sit-ins to prevent commercial development they opposed. Groups like Greenpeace used ships to disrupt whaling operations on the high seas.[53] I can recall several groups in California that climbed redwood trees and camped out in those trees to prevent their removal.[54] As a result of such efforts, it is amazing how many environmentally sensitive areas have been protected for enjoyment by future generations.

VI. THE TENANT'S RIGHTS MOVEMENT

Advocates for persons in low rent facilities and for homeless individuals have used various concerted activities to further the interests of such people. When landlords in low rent buildings allowed their properties to deteriorate to uninhabitable levels, rent strikes were often employed.[55] Tenants were told to place their monthly rental payments in escrow accounts that would only be transmitted to landlords when appropriate repairs were effectuated. Such rent strikes induced many landlords to improve their rental properties. The San Francisco Tenants Union used concerted public activities to generate legislative regulations that would impose rent controls and protect the rights of all tenants.[56]

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[53] *See* Bob Hunter, *Taking on the Goliaths of Doom* in RADICAL ENVIRONMENTALISM 136, 140-141 (Peter C. List, ed., 1993).

[54] *See* LIST, *supra* note 52, at 185-186.

[55] *See* ANDERS CORR, NO TRESPASSING! SQUATTING, RENT STRIKES, AND LAND STRUGGLES WORLDWIDE 9, 80-81 (1999).

[56] *See id.* at 23.

The 1975 and 1976 Co-Op City rent strike in the Bronx was the most extensive rent strike in the U.S.[57] It took place in the largest publicly funded housing project in the world, housing 60,000 residents in thirty-five high-rise buildings. This concerted action was supported by 85 percent of Co-Op City residents, and millions of dollars were placed in escrow accounts during the thirteen months of the rent strike duration.[58] In the end, the tenants obtained stabilized rents and improved maintenance.[59]

When low cost housing residents in St. Louis engaged in an expansive rent strike in 1969, they had the support of Joint Council 13 of the Teamsters Union.[60] Teamster leaders helped tenant advocates form the Civil Alliance for Housing, which included members from religious, civic, and business organizations, and labor unions. After protracted negotiations, Civil Alliance representatives were able to obtain most of their demands. Labor unions provided similar support to rent strikers in other geographical areas as well.[61]

Homeless individuals were often encouraged by supporters to move into unoccupied buildings and houses as squatters to enable them to avoid the hazards and difficulties associated with living on the street.[62] Homes Not Jails was a public interest organization that worked to get homeless people into open buildings, and it encouraged

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[57] *See id.* at 140.

[58] *See id.*

[59] *See id.* at 142.

[60] *See id.* at 155.

[61] *See id.* at 161.

[62] *See id.* at 8-9.

those squatters to fix up their new residences.[63] The Homes Not Jails organization worked to enforce three basic principles among squatters: (1) no violence; (2) no drugs; and (3) consensus decision-making.[64] Homes Not Jails was able to help thousands of homeless persons move temporarily into hundreds of unoccupied buildings.

Tenant rent strikes were similar to convention union-supported work stoppages. Instead of withholding their labor, tenants withheld their rental payments and placed them in escrow accounts until they were able to negotiate improvements in residential maintenance. The actions of squatters were analogous to the sit-down strikes employed by labor unions in the 1930s and 1940s. They took over unoccupied buildings and worked to improve their conditions in ways that would enable them to obtain inhabitable housing off the streets.

VII. THE ALTERNATIVE DISPUTE RESOLUTION MOVEMENT

In the late 1960s, before I went to law school, I decided to obtain a Master's Degree from the Cornell University School of Industrial and Labor Relations. My primary focus was on Labor Law and Collective Bargaining. In my Collective Bargaining course, we studied how labor organizations and employers used negotiation techniques to achieve mutually beneficial bargaining agreements. We read the extraordinary book *A Behavioral Theory of Labor Negotiations*[65] which described in detail how labor and management representatives should employ integrative bargaining techniques to further

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[63] *See id.* at 9.

[64] *See id.* at 20.

[65] RICHARD E. WALTON & ROBERT B. McKERSIE, A BEHAVIORAL THEORY OF LABOR NEGOTIATIONS (1965).

their respective returns.[66] This innovative approach to negotiating had been developed in the early part of the last century by Mary Parker Follett,[67] as was acknowledged by Walton and McKersie.[68]

To generate mutually efficient bargaining agreements, labor and management negotiators have to go behind their stated positions and explore their underlying interests. Which terms do union leaders wish to obtain that are not that significant to employers (*e.g.*, union security provisions), and which items do management officials value that are not that important to bargaining unit personnel (*e.g.*, no-strike provisions)? By making sure that these terms end up on the appropriate side of the bargaining table, labor and management representatives can expand the overall pie to be divided and ensure the attainment of optimal agreements. With respect to other items that are valued by both sides (*e.g.*, monetary issues) – the so-called "distributive" terms – negotiators are likely to employ more competitive tactics designed to enable them to obtain a greater share of the surplus to be divided between them.[69]

In my Collective Bargaining course, we also explored the use of mediation to help parties achieve agreements.[70] Neutral third parties were brought in to assist the labor and management representatives with their negotiations. In joint sessions, the parties negotiated directly with one another, with the assistance of the neutral facilitator. In

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[66] *See id.* at 144-183.

[67] *See generally* JOAN C. TONN, MARY PARKER FOLLETT (2003).

[68] *See* WALTON & McKERSIE, *supra* note 62, at 7.

[69] *See id.* at 11-125.

[70] *See id.* at 158-159.

separate caucus sessions, the mediator met alone with each side in an effort to explore areas of possible agreement that the advocates might not have been willing to articulate in joint sessions.

When collective bargaining and mediator assisted discussions were unable to generate joint accords, unions and employers – especially with respect to public sector situations in states where government employees could not legally strike – often used interest arbitration procedures. The disputing parties would present the arguments in favor of their respective positions, and the neutral arbitrator would decide which provisions to accept. This was frequently done on a final offer basis, with the arbiter being required to adopt the more reasonable final offers of the parties on an issue-by-issue or total package basis.

During the terms of bargaining agreements, grievance-arbitration procedures are used to resolve contractual disputes that arise. If an employee files a grievance challenging some management decision, lower level labor and management representatives work to resolve the matter. If they are unable to reach an agreement, the matter is sent to higher and higher labor and management officials. In the relatively rare instances where no agreement can be attained, the matter could be referred to arbitration where it is finally resolved by an external neutral.

When I became a law professor thirty five years ago, I taught Legal Negotiations, Labor Law, and Collective Bargaining and Labor Arbitration. In my Legal Negotiations course, I incorporated the integrative and distributive bargaining concepts I had learned in graduate school when I read *A Behavioral Theory of Labor Negotiations*. When

Getting to Yes[71] was published in 1981, I was surprised to realize how many of the concepts explicated by Walton and McKersie were explored by Fisher and Ury.

One of the first casebooks I worked on was the third edition of *Collective Bargaining and Labor Arbitration*.[72] In that book, we described the bargaining process and the use of grievance-arbitration procedures to resolve disputes which arise during the term of collective contracts. All of the concepts covered were based upon labor and management practices employed for many decades. When Russell Smith, Leroy Merrifield, and Donald Rothschild put together the first edition of that book in 1970, they were simply describing how these well-established dispute resolution practices functioned.

In the 1970s and 1980s, academics not associated with labor and employment law began to appreciate the ways in which traditional labor-management dispute resolution techniques could be extended to other areas. They developed what has become known as the alternative dispute resolution field. When Edward Brunet and I developed our own alternative dispute resolution book in 1997,[73] we did not think of this as an entirely novel area. We had both served as mediators and arbitrators with respect to employment disputes, and we recognized that conventional labor-management dispute resolution techniques were being adapted to many other areas of legal practice.

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[71] ROGER FISHER & WILLIAM URY, GETTING TO YES (1981).

[72] DONALD P. ROTHSCHILD, LEROY S. MERRIFIELD & CHARLES B. CRAVER, COLLECTIVE BARGAINING AND LABOR ARBITRATION (3d ed. 1988).

[73] EDWARD BRUNET & CHARLES B. CRAVER, ALTERNATIVE DISPUTE RESOLUTION: THE ADVOCATE'S PERSPECTIVE (1997).

Over the past thirty to forty years, union membership – especially among private sector employees – has declined dramatically from a high of 35 percent in the mid-1950s[74] to 7.2 percent today.[75] As a result of these developments, industrial relations dispute resolution procedures are employed far less among traditional labor and management parties. Nonetheless, the negotiation, mediation, and arbitration practices developed by such parties many years ago have significantly influenced other legal areas. It is difficult to imagine how successfully such alternative dispute resolution procedures would be today if it was not for their previous perfection by industrial relations participants.

VIII. CONCLUSION

Labor organizations have employed various tactics to advance the economic and non-economic interests of represented employees. Through the monopoly face, they have enhanced the wages and fringe benefits enjoyed by unionized employees. Through the voice face they have provided workers with the collective power to influence corporate decisions affecting their employment conditions. Other social movements have benefited from both union support and the employment of labor techniques. The civil rights movement employed sit-ins, publicity, and consumer boycotts to end discriminatory practices. Anti Vietnam war protesters used various labor tactics to end United States

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[74] *See* MICHAEL GOLDFIELD, THE DECLINE OFORGANIZED LABOR IN THE UNITED STATES 10 (1987).

[75] *See* Larry Swisher, *Unions Lost 771,000 Members in 2009, as Recession Eliminated Jobs, BLS Says*, DAILY LABOR REPT. No. 14 (Jan. 25, 2010) at AA-1. See CHARLES B. CRAVER, CAN UNIONS SURVIVE? (1993); Charles B. Craver, *The Labor Movement Needs a Twenty-First Century Committee for Industrial Organization*, 23 HOFSTRA LAB. & EMPL. L.J. 69 (2005).

military action in Asia. The environmental movement has used similar tactics to discourage the destruction of forests, and the killing of birds and animals. Tenant rights groups have employed rent strikes and sit-ins by squatters to advance the rights of the poor and the homeless. The negotiation, mediation, and arbitration procedures that have been used for many decades by labor and management entities to resolve their disputes have been adopted by alternative dispute resolution supporters to settle many other kinds of controversies. It is thus clear that the labor movement has significantly affected the American culture.